

BEFORE THE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:	)	Case Nos. REA-B3-01-97-022
	)	REA-L2B-01-98-015
	)	REA-L3-01-99-007
	)	REA-L3-01-99-008
WENDY I. JANKE LAMBROS,	)	REA-L2C-01-99-013
License No. CRA-99,	)	REA-L2C-01-99-013A
	)	REA-L2C-01-99-013B
	)	REA-L3-01-99-021
	)	REA-S2C-01-99-027
	)	
Respondent.	)	<b>STIPULATION AND</b>
	)	<b>CONSENT ORDER</b>

Reapprsr\P0109lga

WHEREAS, information having been received by the Idaho State Board of Real Estate Appraisers (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Wendy I. Janke Lambros (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

**A.**

1. The Idaho State Board of Real Estate Appraisers is empowered by title 54, chapter 41, Idaho Code, to regulate the practice of real estate appraisals in the State of Idaho.

2. Respondent Wendy I. Janke Lambros was licensed as a "state certified residential real estate appraiser" by the Idaho State Board of Real Estate Appraisers under License No. CRA-99 on June 14, 1994, to engage in the practice of real estate appraisals.

Respondent's continued right to licensure is subject to Respondent's compliance with the laws of the Board codified at title 54, chapter 41, Idaho Code, and the rules of the Board, promulgated at IDAPA 24.18.01.

3. Appraisals in the State of Idaho must comply with the minimum standards set forth in the Uniform Standards of Professional Appraisal Practices ("USPAP").

#### **COUNT ONE**

4. On or about December 30, 1996, Respondent rendered an opinion (hereinafter the "opinion letter") as to the value of the property located at Lot 150 in the Hayden Lake Irrigated Tracts, City of Hayden, Idaho (hereinafter the "Subject Property #1").

5. Although not intended by Respondent, Respondent's opinion letter constitutes an appraisal as defined by Idaho Code § 54-4104(1) of the Real Estate Appraiser's Act.

6. Respondent's opinion of Subject Property #1 failed to meet the following requirements of USPAP Standards (1996):

a. Respondent failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal, in violation of Standards Rule 1-1(a).

b. Respondent rendered appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly affect the results of the appraisal but which, when considered in the aggregate, were misleading, in violation of Standards Rule 1-1(c).

c. Respondent failed to adequately identify any real property interest, consider the purpose and intended use of the appraisal, consider the extent of the data collection process, and/or identify any special limiting conditions, in violation of Standards Rule 1-2(a).

d. Respondent failed to identify the value being considered, in violation of Rule 1-2(b).

e. Respondent failed to consider the effect on use and value of the following factors: existing land use regulations, reasonably probable modifications of such land use regulations, economic demand, physical adaptability of the real estate, neighborhood trends, and/or the highest and best use of the real estate, in violation of Standards Rule 1-3(a).

f. Respondent failed to recognize that land is appraised as though vacant and available for development to its highest and best use and that the appraisal of improvements is based on their actual contribution to the site, in violation of Standards Rule 1-3(b).

g. Respondent failed to collect, verify, analyze, and reconcile the following information:

i. Such comparable cost data as are available to estimate the cost new of the improvements, in violation of Standards Rule 1-4(b)(i);

ii. Such comparable data as are available to estimate the difference between cost new and the present worth of the improvements (accrued depreciation), in violation of Standards Rule 1-4(b)(ii);

iii. Such comparable sales data, adequately identified and described, as are available to indicate a value conclusion, in violation of Standards Rule 1-4(b)(iii);

iv. Such comparable rental data as are available to estimate the market rental of the property being appraised, in violation of Standards Rule 1-4(b)(iv);

v. Such comparable operating expense data as are available to estimate the operating expenses of the property being appraised, in violation of Standards Rule 1-4(b)(v); and

vi. Such comparable data as are available to estimate rates of capitalization and/or rates of discount, in violation of Standards Rule 1-4(b)(vi).

h. Respondent's appraisal failed to clearly and accurately set forth the appraisal in a manner that will not be misleading, in violation of Standards Rule 2-1(a).

i. Respondent's appraisal failed to contain sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly, in violation of Standards Rule 2-1(b).

j. Respondent's appraisal failed to clearly and accurately disclose any extraordinary assumption or limiting condition that directly affected the appraisal and indicate its impact on value, in violation of Standards Rule 2-1(c).

k. Respondent's appraisal, if a Restricted Appraisal Report, failed to:

i. Adequately identify the real estate being appraised, in violation of Standards Rule 2-2(c)(i);

ii. State the real property interest being appraised, in violation of Standards Rule 2-2(c)(ii);

iii. State the purpose and intended use of the appraisal, in violation of Standards Rule 2-2(c)(iii);

iv. State and reference a definition of the value to be estimated, in violation of Standards Rule 2-2(c)(iv);

v. State the effective date of the appraisal and the date of the report, in violation of Standards Rule 2-2(c)(v);

vi. Describe the extent of the process of collecting, confirming and reporting data, in violation of Standards Rule 2-2(c)(vi);

vii. State all assumptions and limiting conditions that affect the analyses, opinions, and conclusions, in violation of Standards Rule 2-2(c)(vii);

viii. State the appraisal procedure followed, the value conclusion and reference the existence of specific file information in support of the conclusion, in violation of Standards Rule 2-2(c)(viii);

ix. State Respondent's opinion of the highest and best use of the real estate, in violation of Standards Rule 2-2(c)(ix);

x. State the exclusion of any of the usual valuation approaches, in violation of Standards Rule 2-2(c)(x);

xi. Contain a prominent use restriction that limits reliance on the report to the client and warn that the report cannot be understood properly without additional information in the workfile of the appraiser, and clearly identify and explain any permitted departures from the specific guidelines of Standard 1, in violation of Standards Rule 2-2(c)(xi);

xii. Include a signed certification in accordance with Standards Rule 2-3, in violation of Standards Rules 2-2(c)(xii) and 2-3.

7. Respondent's failure to meet the requirements of USPAP Standards in the opinion letter for Subject Property #1 constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

## **COUNT TWO**

8. Subject Property #1 is zoned light industrial.

9. As a person holding a "state certified residential real estate appraiser" license, as defined by Idaho Code § 54-4104(10), Respondent is restricted to conducting and issuing appraisals solely for residential properties. In order to be authorized to issue an appraisal for light industrial property, Respondent would need to be a "state certified general real estate appraiser," as defined at Idaho Code § 54-4104(9). Respondent's appraisal of light industrial property without benefit of a state certified general real estate appraiser license constitutes a violation of Idaho Code §§ 54-4103, 54-4104(9), 54-4107(1)(d), and IDAPA 24.18.01.400.

### **COUNT THREE**

10. On or about July 1, 1998, Respondent prepared an appraisal for the property located at 1365 Bonanza Road in Coeur d'Alene, Idaho (hereinafter the "Subject Property #2").

11. Respondent's appraisal of Subject Property #2 failed to meet the following requirements of USPAP Standards (1998):

a. Respondent committed a substantial error of omission or commission that significantly affected the appraisal, in violation of Standards Rule 1-1(b).

b. Respondent rendered appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly affect the results of the appraisal but which, when considered in the aggregate, were misleading, in violation of Standards Rule 1-1(c).

c. Respondent failed to consider and analyze any prior sales of the property that occurred within one year, in violation of Standards Rule 1-5(b)(i).

12. Respondent's failure to meet the requirements of USPAP Standards in the appraisal for Subject Property #2 constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

### **COUNT FOUR**

13. On or about September 19, 1998, Respondent prepared an appraisal for the property located at 7500 W. Jewell Avenue in Coeur d'Alene, Idaho (hereinafter the "Subject Property #3").

14. Respondent's appraisal of Subject Property #3 failed to meet the following requirements of USPAP Standards (1998):

a. Respondent rendered appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly affect the results of the appraisal but which, when considered in the aggregate, were misleading, in violation of Standards Rule 1-1(c).

b. Respondent's appraisal failed to clearly and accurately set forth the appraisal in a manner that will not be misleading, in violation of Standards Rule 2-1(a).

c. Respondent failed to identify the individual providing significant professional assistance, in violation of Standards Rule 2-3.

15. Respondent's failure to meet the requirements of USPAP Standards in the appraisal for Subject Property #3 constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

#### **COUNT FIVE**

16. On or about February 4, 1999, Respondent prepared an appraisal for the property located at 507 Third Street in Priest River, Idaho (hereinafter the "Subject Property #4").

17. Respondent's appraisal of Subject Property #4 failed to meet the following requirements of USPAP Standards (1998) (effective until 3/31/99):

a. Respondent rendered appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly affect the results of the appraisal but which, when considered in the aggregate, were misleading, in violation of Standards Rule 1-1(c).

b. Respondent failed to collect, verify, analyze, and reconcile such comparable sales data, adequately identified and described, as are available to indicate a value conclusion, in violation of Standards Rule 1-4(b)(iii).

c. Respondent's appraisal failed to clearly and accurately set forth the appraisal in a manner that will not be misleading, in violation of Standards Rule 2-1(a).

d. Respondent's appraisal failed to contain sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly, in violation of Standards Rule 2-1(b).

e. Respondent's appraisal failed to clearly and accurately disclose any extraordinary assumption or limiting condition that directly affected the appraisal and indicate its impact on value, in violation of Standards Rule 2-1(c).

f. Respondent's appraisal failed to summarize the extent of the process of collecting, confirming, and reporting data, in violation of Standards Rule 2-2(b)(vi).

18. Respondent's failure to meet the requirements of USPAP Standards in the appraisal for Subject Property #4 constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

### **COUNT SIX**

19. On or about August 28, 1998, Respondent prepared an appraisal for the property located at 22620 N. Doyle Road in Cataldo, Idaho (hereinafter the "Subject Property #5").

20. Respondent's appraisal of Subject Property #5 failed to meet the following requirements of USPAP Standards (1998):

a. Respondent failed to be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal, in violation of Standards Rule 1-1(a).

b. Respondent committed substantial errors of omission or commission that significantly affected the appraisal, in violation of Standards Rule 1-1(b).

c. Respondent rendered appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly affect the results of the appraisal but which, when considered in the aggregate, were misleading, in violation of Standards Rule 1-1(c).

d. Respondent failed to adequately identify the real estate, identify the real property interest, consider the purpose and intended use of the appraisal, consider the extent of the data collection process, identify any special limiting conditions, and identify the effective date of the appraisal, in violation of Standards Rule 1-2(a).



e. Respondent failed to recognize that land is appraised as though vacant and available for development to its highest and best use and that the appraisal of improvements is based on their actual contribution to the site, in violation of Standards Rule 1-3(b).

f. Respondent failed to collect, verify, analyze and reconcile such comparable sales data, adequately identified and described, as are available to indicate a value conclusion, in violation of Standards Rule 1-4(b)(iii).

g. Respondent failed to consider and reconcile the quality and quantity of data available and analyzed within the approaches used and the applicability or suitability of the approaches used, in violation of Standards Rule 1-5(c).

h. Respondent failed to clearly and accurately set forth the appraisal in a manner that will not be misleading, in violation of Standards Rule 2-1(a).

i. Respondent's appraisal failed to contain sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly, in violation of Standards Rule 2-1(b).

j. Respondent failed to clearly and accurately disclose any extraordinary assumption or limiting condition that directly affects the appraisal and indicate its impact on value, in violation of Standards Rule 2-1(c).

k. Respondent's appraisal failed to accurately identify and provide a summary description of the real estate being appraised, in violation of Standards Rule 2-2(b)(i).

l. Respondent's appraisal failed to summarize the extent of the process of collecting, confirming and reporting data, in violation of Standards Rule 2-2(b)(vi);

m. Respondent's appraisal failed to state all assumptions and limiting conditions that affect the analyses, opinions, and conclusions, in violation of Standards Rule 2-2(b)(vii).

n. Respondent's appraisal failed to summarize the information considered, the appraisal procedures followed, and the reasoning that supports the analyses, opinions, and conclusions, in violation of Standards Rule 2-2(b)(viii).

o. Respondent's appraisal failed to summarize the appraiser's opinion of the highest and best use of the real estate, when such an opinion is necessary and appropriate, in violation of Standards Rule 2-2(b)(ix).

21. Respondent's failure to meet the requirements of USPAP Standards in the appraisal for Subject Property #5 constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

#### **COUNT SEVEN**

22. On or about May 20, 1998, Respondent prepared an appraisal for the property located at 1321 N. 6th Street in Coeur d'Alene, Idaho (hereinafter the "Subject Property #6").

23. Respondent's appraisal of Subject Property #6 failed to meet the following requirements of USPAP Standards (1998):

a. Respondent committed substantial errors of omission or commission that significantly affected the appraisal, in violation of Standards Rule 1-1(b).

b. Respondent rendered appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly affect the results of the appraisal but which, when considered in the aggregate, were misleading, in violation of Standards Rule 1-1(c).

c. Respondent failed to consider and analyze any prior sales of the property being appraised that occurred within one year, in violation of Standards Rule 1-5(b).

d. Respondent failed to consider and reconcile the quality and quantity of data available and analyzed within the approaches used and the applicability or suitability of the approaches used, in violation of Standards Rule 1-5(c).

e. Respondent failed to clearly and accurately set forth the appraisal in a manner that will not be misleading, in violation of Standards Rule 2-1(a).

f. Respondent's appraisal failed to contain sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly, in violation of Standards Rule 2-1(b).

g. Respondent's appraisal failed to summarize the information considered, the appraisal procedures followed, and the reasoning that supports the analyses, opinions, and conclusions, in violation of Standards Rule 2-2(b)(viii).

24. Respondent's failure to meet the requirements of USPAP Standards in the appraisal for Subject Property #6 constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

#### **COUNT EIGHT**

25. On or about January 16, 1998, Respondent prepared an appraisal for the property located at 1100 W. Lone Mountain Road in Athol, Idaho (hereinafter the "Subject Property #7").

26. Respondent's appraisal of Subject Property #7 failed to meet the following requirements of USPAP Standards (1998):

a. Respondent committed substantial errors of omission or commission that significantly affected the appraisal, in violation of Standards Rule 1-1(b).

b. Respondent rendered appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly affect the results of the appraisal but which, when considered in the aggregate, were misleading, in violation of Standards Rule 1-1(c).

c. Respondent failed to adequately identify the real estate, identify the real property interest, consider the purpose and intended use of the appraisal, consider the extent of the data collection process, identify any special limiting conditions, and identify the effective date of the appraisal, in violation of Standards Rule 1-2(a).

27. Respondent's failure to meet the requirements of USPAP Standards in the appraisal for Subject Property #7 constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

#### **COUNT NINE**

28. On or about February 28, 1997, Respondent prepared, or supervised the preparation of an appraisal for the property located at 3495 Ridge Drive in Post Falls, Idaho (hereinafter the "Subject Property #8").

29. Respondent's appraisal, or supervision of the appraisal, of Subject Property #8 failed to meet the following requirements of USPAP Standards (1997):

a. Respondent rendered appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly affect the results of the appraisal but which, when considered in the aggregate, were misleading, in violation of Standards Rule 1-1(c).

b. Respondent failed to collect, verify, analyze, and reconcile such comparable sales data, adequately identified and described, as are available to indicate a value conclusion, in violation of Standards Rule 1-4(b)(iii).

c. Respondent failed to clearly and accurately set forth the appraisal in a manner that will not be misleading, in violation of Standards Rule 2-1(a).

30. Respondent's failure to meet the requirements of USPAP Standards in the appraisal for Subject Property #8 constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

#### **COUNT TEN**

31. On or about October 21, 1998, Respondent prepared an appraisal for the property located at 1452 Arbor Street in Rathdrum, Idaho (hereinafter the "Subject Property #9").

32. Respondent's appraisal of Subject Property #9 failed to meet the following requirements of USPAP Standards (1998):

a. Respondent committed substantial errors of omission or commission that significantly affected the appraisal, in violation of Standards Rule 1-1(b).

b. Respondent rendered appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly affect the results of the appraisal but which, when considered in the aggregate, were misleading, in violation of Standards Rule 1-1(c).

c. Respondent's appraisal failed to clearly and accurately set forth the appraisal in a manner that will not be misleading, in violation of Standards Rule 2-1(a).

d. Respondent's appraisal failed to contain sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly, in violation of Standards Rule 2-1(b).

e. Respondent's appraisal failed to clearly and accurately disclose any extraordinary assumption or limiting condition that directly affected the appraisal and indicate its impact on value, in violation of Standards Rule 2-1(c).

33. Respondent's failure to meet the requirements of USPAP Standards in the appraisal for Subject Property #9 constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

#### **COUNT ELEVEN**

34. On or about May 26, 1999, Respondent signed an appraisal as the supervisory appraiser for the property located at 1580 Kootenai Street in Rathdrum, Idaho (hereinafter the "Subject Property #10").

35. Respondent's appraisal of Subject Property #10 failed to meet the following requirements of USPAP Standards (1999):

a. Respondent committed substantial errors of omission or commission that significantly affected the appraisal, in violation of Standards Rule 1-1(b).

b. Respondent rendered appraisal services in a careless or negligent manner, such as a series of errors that, considered individually, may not significantly

affect the results of the appraisal but which, when considered in the aggregate, were misleading, in violation of Standards Rule 1-1(c).

c. Respondent failed to identify the characteristics of the property that are relevant to the purpose and intended use of the appraisal, including its local and physical, legal, and economic attributes, in violation of Standards Rule 1-2(e)(i).

d. Respondent failed to analyze any current Agreement of Sale, option, or listing of the property, in violation of Standards Rule 1-5(a).

e. Respondent's appraisal failed to clearly and accurately set forth the appraisal in a manner that will not be misleading, in violation of Standards Rule 2-1(a).

f. Respondent's appraisal failed to contain sufficient information to enable the intended users of the appraisal to understand the report properly, in violation of Standards Rule 2-1(b).

g. Respondent's appraisal failed to clearly and accurately disclose any extraordinary assumption, hypothetical condition, or limiting condition that directly affected the appraisal and indicate its impact on value, in violation of Standards Rule 2-1(c).

36. Respondent's failure to meet the requirements of USPAP standards in the appraisal for Subject Property #10 constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

37. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of real estate appraisals, specifically Idaho Code §§ 54-4103, 54-4104(9), 54-4107(1)(d), and 54-4107(1)(e), and IDAPA 24.18.01.400 and 24.18.01.700. Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent's license to practice real estate appraisals in the State of Idaho.

38. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby agrees to the discipline against her license as set forth in Section C below.

**B.**

I, Wendy I. Janke Lambros, by affixing my signature hereto, acknowledge that:

1. I have read the allegations pending before the Board, as stated above in section A. I admit Counts Five and Eleven and I understand that all other counts as set forth above will be held in abeyance pending my successful completion of the terms of this Stipulation and Consent Order. I further understand that these allegations constitute cause for disciplinary action upon my license to practice real estate appraisals in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of real estate appraisals in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

**C.**

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. License No. CRA-99 issued to Respondent Wendy I. Janke Lambros is hereby suspended for a period of five (5) years with three (3) years of said five-year suspension stayed. During the two-year mandatory suspension period, Respondent shall not practice real estate appraisals in the State of Idaho. The two-year mandatory

suspension period shall commence five (5) days from the date of entry of the Board's Order. Within two (2) days of entry of the Board's Order, the Board, a representative of the Bureau of Occupational Licenses (BOL), or counsel for the Board/BOL shall send a copy of the Board's Order to Respondent's attorney by regular U.S. Mail, postage prepaid and also by fax transmission to counsel's fax machine at (208)(664-8417). Receipt of the Board's Order by Respondent's attorney shall constitute and be deemed receipt by Respondent.

2. Respondent shall pay to the Board an administrative fine in the amount of Two Thousand and No/100 Dollars (\$2,000.00) and investigative costs and attorney fees in the amount of Three Thousand and No/100 Dollars (\$3,000.00), for a total amount to be paid to the Board of Five Thousand and No/100 Dollars (\$5,000.00), which shall be paid as follows:

a. Respondent shall pay \$2,000.00 within five (5) days of entry of the Board's Order.

b. Respondent shall pay the remaining \$3,000.00 in monthly installments of \$250.00 each. Respondent's first \$250.00 monthly payment shall be due on or before May 31, 2000. Each additional \$250.00 installment shall be due and payable on or before the last day each month thereafter and shall continue until the entire \$5,000.00 is paid in full.

3. During the mandatory two-year suspension period and before License No. CRA-99 is reinstated on a probationary basis, Respondent shall obtain forty-five (45) hours of continuing education. Respondent shall obtain these credit hours only from a Board pre-approved list of available courses. Alternatively, the Respondent, prior to taking any such course, may apply to the Board on an ad-hoc basis for approval of a given course. If the Board does not approve the course contemplated by the Respondent, no credit hours will be approved by the Board for that course and the taking of the course will not be applied toward satisfying Respondent's continuing education hour



requirements under this paragraph. Respondent shall provide the Board with proof of satisfactory completion and passing scores for each class before said class or hours will be applied toward the 45-hour continuing education requirement.

4. At the conclusion of the two-year suspension period and provided Respondent has complied with all terms of this Stipulation and Consent Order to the Board's satisfaction, Respondent's License No. CRA-99 shall be placed on probation for a period of three (3) years. The conditions of probation are as follows:

a. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of real estate appraisals in the State of Idaho.

b. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

c. In the event Respondent should leave Idaho to reside or to practice outside of the state, Respondent must provide written notification to the Board of the date of departure and the state in which Respondent intends to reside or practice. Periods of residency or practice outside of Idaho will not apply to the reduction of the probationary period or excuse compliance with the terms of this Stipulation. It shall be Respondent's sole responsibility and obligation to notify the Board if, and when, she thereafter returns to Idaho to reside or practice.

d. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

e. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

5. At the conclusion of the three-year probationary period and provided Respondent has complied with all terms of this Stipulation and Consent Order to the Board's satisfaction, Respondent may request from the Board reinstatement of License

No. CRA-99 without further restriction and may further request dismissal of the counts of the Complaint held in abeyance during the suspension and probationary period. If the terms and conditions of this Stipulation and Consent Order have been fully complied with, upon such request, the license shall be so fully reinstated and the counts of the Complaint held in abeyance shall be dismissed.

6. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

7. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

**D.**

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing. Furthermore, if the Stipulation is not accepted by the Board, the parties agree that the evidentiary hearing currently set to commence in this matter on May 11, 2000 shall be vacated and reset at least sixty (60) days thereafter.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-4107. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

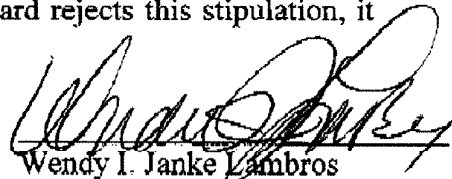
c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code §§ 9-337-50.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

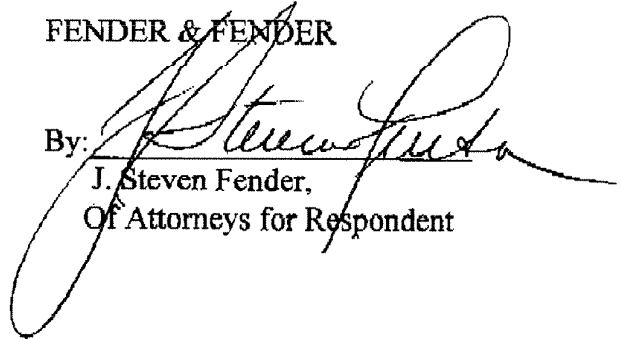
I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 2 day of May, 2000

  
Wendy I. Janke Lambros  
Respondent

DATED this 2<sup>nd</sup> day of May, 2000

FENDER & FENDER

By:   
J. Steven Fender,  
Of Attorneys for Respondent

DATED this 3rd day of May, 2000

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By Roger L. Gabel  
ROGER L. GABEL  
Deputy Attorney General

### ORDER

Pursuant to Idaho Code § 54-4106, the foregoing is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 9 day of May, 2000. **IT IS SO ORDERED.**

IDAHO STATE BOARD  
OF REAL ESTATE APPRAISERS

By Paul Morgan  
Paul Morgan, Chair

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11 day of May, 2000, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, addressed to:

J. Steven Fender  
FENDER & FENDER  
712 Government Way  
Coeur d'Alene, ID 83814

Roger L. Gabel  
DEPUTY ATTORNEY GENERAL  
P.O. Box 83720  
Boise, ID 83720-0010

Thomas Limbaugh  
Thomas Limbaugh, Chief  
Bureau of Occupational Licenses